

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JAMES HEALY, on behalf of himself and all
others similarly situated,

Plaintiff,

v.

MILLIMAN, INC., d/b/a INTELLISCRIPIT,

Defendant.

CASE NO. C20-1473-JCC

ORDER

This matter comes before the Court on Plaintiff's motion for reconsideration (Dkt. No. 219) of the Court's order granting in part Defendant's motion for partial summary judgment and/or for decertification (Dkt. No. 216). In the instant motion, Plaintiff asks the Court to clarify whether its dismissal of the inaccuracy class "for lack of class-wide standing," (Dkt. No. 216 at 6), is pursuant to Rule 56 or Rule 23. (*See* Dkt. No. 219 at 4–9.) And to the extent the ruling is pursuant to Rule 56, Plaintiff asks the Court to certify the matter for interlocutory appeal pursuant to 28 U.S.C. § 1292(b). (*Id.* at 8–9.) The Court so CLARIFIES: its dismissal of the inaccuracy class is pursuant to Rule 56. Further, this is a dismissal *without* prejudice. And for the reasons described in Plaintiff's motion for reconsideration, (*see id.* at 9), the Court CERTIFIES that an interlocutory appeal of this issue is appropriate under 28 U.S.C. § 1292(b).

In addition, the parties move to seal certain submissions by Plaintiff associated with its

1 motion for reconsideration (Dkt. No. 221). The Court finds that compelling reasons exist to
2 maintain those documents under seal. Accordingly, the motion to seal is GRANTED. The Clerk
3 is DIRECTED to maintain docket numbers 222 and 225 under seal.

4 DATED this 9th day of April 2024.

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8 John C. Coughenour
9 UNITED STATES DISTRICT JUDGE
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